

## **CHAPTER 13**

### **MANAGEMENT OF ANCILLARY SERVICES -- TRANSPORTATION**

#### **Transportation Services**

The board of directors in every school district shall provide transportation, either directly or by reimbursement for transportation, for all resident pupils attending public school, kindergarten through twelfth grade, except that:

- a. Elementary pupils shall be entitled to transportation only if they live more than two miles from the school designated for attendance.
- b. High school pupils shall be entitled to transportation only if they live more than three miles from the school designated for attendance.
- c. Children attending prekindergarten programs offered or sponsored by the district may be provided transportation services
- d. Districts are not required to maintain seating space on school buses for students who are otherwise to be provided transportation under 285.1 if the students do not or will not regularly utilize the district's transportation service for extended periods during the school year (285.1(1)).

Districts may but are not required to provide transportation for summer school students (OAG #79-7-20).

The board shall included in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow, or other weather conditions (279.8).

Distance to school or to a bus route shall in all cases be measured on the public highway only and over the most passable and safest route as determined by the AEA board, starting in the roadway opposite the private entrance to the resident of the pupil and ending in the roadway opposite the entrance to the school grounds or designated point on bus route (285.1(9)).

If special education services are provided by the AEA, the board of directors of the AEA with the cooperation of the local school districts within its jurisdiction may provide transportation for children requiring special education services that are in need of transportation in connection with any programs, classes, or services (256B.4(5)).

In the case of *Bruggeman v. Independent District No. 4 Union Township School*, the Supreme court has held that the school district is a quasi-corporation of the state and the statute has imposed the duty of transportation upon the board.

#### **Bus Drivers**

When school buses are used to transport pupils, the bus shall be driven by a regularly approved driver holding a chauffeur's license and a school bus driver's permit. In addition, the buses must be accompanied by a member of the faculty or other employee of the school or a parent or other adult volunteer as authorized by a school administrator who will be responsible for the conduct and the general supervision of the pupils on the bus and at the place of the activity. If the faculty member is an approved driver, that person can act both as a driver and faculty sponsor (IAC 281--43.10(4)).

The driver of a school bus shall hold a driver's license issued by the department of transportation valid for the operation of the school bus and shall hold a school bus driver's permit issued by the department of education when transporting student or adult passengers to or from school activities (321.376(1)). A person applying for employment or employed as a school bus driver shall successfully complete a department of education approved course of instruction for school bus drivers before or within the first six months of employment and at least every twenty-four months thereafter (321.376(2)). All bus drivers for school-owned equipment shall be under contract with the board (285.5(9)). All contracts for transportation service and for drivers of school-owned and operated buses shall be made with someone outside the board except where no other transportation service is available, a board member may transport the member's own children (285.5(7)).

A driver of a school bus must meet all of the following requirements:

- a. Be at least eighteen years of age.
- b. Be physically and mentally competent.
- c. Not possess personal or moral habits which would be detrimental to the best interests of the safety and welfare of the children transported.

- d. Have an annual physical examination and meet all established requirements for physical fitness (321.375(1)).

Bus drivers for school buses must present a certificate of physical fitness each year before being permitted to operate any vehicles transporting children to and from school (285.11(9)).

Any of the following shall constitute grounds for a school bus driver's immediate suspension from duties, pending a termination hearing by the board of directors of a public school district or the authorities in charge in a nonpublic school:

- a. Use of nonprescription controlled substances or alcoholic beverages during working hours.
- b. Operating a school bus while under the influence of nonprescription controlled substances or alcoholic beverages.
- c. Fraud in the procurement or renewal of a school bus driver's permit.
- d. The commission of or conviction for a public offences as defined by the Iowa criminal code, if the offense is relevant to and affects driving ability, or if the offense includes sexual involvement with a minor student with the intent to commit acts and practices proscribed by law, or is a violation of the rules of the department of education (321.375(2)).

### **Reimbursement to Parents**

Any pupil may be required to meet a school bus on the approved route a distance of not to exceed three-fourths of a mile without reimbursement (285.1(2)).

Where transportation by school bus is impracticable, where necessary to implement a whole grade sharing agreement under section 282.10, or where school bus service is not available, the board may require parents or guardians to furnish transportation for their children to the schools designated for attendance. Except as provided in section 285.3, the parent or guardian shall be reimbursed for such transportation service for public and nonpublic school pupils by the board of the resident district in an amount equal to eighty dollars plus seventy-five percent of the difference between eighty dollars and the previous school year's statewide average per pupil transportation cost. A parent or guardian shall not receive reimbursement for furnishing transportation for more than three family members who attend elementary school and one family member who attends high school (285.1(3)).

Where unsatisfactory roads or other conditions make it advisable, the board at its discretion may require the parents or guardians of public and nonpublic school pupils to furnish transportation for their children up to two miles to connect with vehicles of transportation. The parent or guardian shall be reimbursed for such transportation by the boards of the resident districts at the rate of twenty-eight cents per mile per day, one way, per family for the distance from the pupil's residence to the bus route (285.1(4)).

### **Other Transportation Services and Charges**

Boards in their discretion may provide transportation for some or all resident pupils attending public school or pupils who attend nonpublic schools who are not entitled to transportation. Boards in their discretion may collect from the parent or guardian of the pupil not more than the pro rata cost for such optional transportation (285.1).

Boards in districts operating buses may in their discretion transport senior citizens, children, persons with disabilities, and other persons and groups, who are not otherwise entitled to free transportation, and shall collect the pro rata cost of transportation (285.1(21)).

The board, in its discretion, may furnish a school bus and services of a qualified driver to an organization of, or sponsoring activities for, senior citizens, children, persons with disabilities, or other persons and groups in this state. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver except when the bus is used for transporting pupils to and from extracurricular activities sponsored by the school (285.10(9)).

The board, in its discretion, may furnish a school bus and services of a qualified driver for transportation of persons other than pupils to activities in which pupils from the school are participants or are attending the activity or for which the school is a sponsor. The board shall charge and collect an amount sufficient to reimburse all costs of furnishing the bus and driver (285.10(10)).

School buses may be used by an organization of, or sponsoring activities for, senior citizens, children, persons with disabilities, and other persons and groups, and for transportation of persons other than pupils to activities in which pupils from the school are participants or are attending the activity or for which the school is a sponsor under the following conditions:

- a. The "school bus" signs shall be covered and the flashing warning lamps and stop arm made inoperable when the bus is being used in a nonschool-sponsored activity.
- b. Transportation outside the state of Iowa shall not be provided without the approval of the Interstate Commerce Commission.
- c. For adult groups, no more than two persons shall occupy a 39-inch seat. Standees shall not be permitted.
- d. A chaperone shall accompany each bus to assist the passengers in boarding and disembarking from the bus and to aid them in case of illness or injury.
- e. The driver of the bus shall be approved by the local board of education and must possess a chauffeur's license and a school bus driver's permit.
- f. The driver of the bus shall observe the maximum speed limits for school buses at all times (IAC 281--43.10(5)).

School employees of districts operating buses may be transported to and from school and approved activities which they are required to attend as a result of their responsibilities. Nothing in 285.11 shall prohibit the use of school buses in transporting a school teacher going to and from the teacher's school when such school is on an established school bus route and such teacher makes arrangements with the district operating such school bus (285.11(6)).

Public school teachers who are transported should be included in the average number transported and should be charged the pro rata cost by the transporting district (IAC 281--43.11).

Specifically exempted from the provisions of sales tax are the gross receipts from the sales, furnishing or service of transportation service (422.45(2)).

### **Inclement Weather and Safety**

Transportation service may be suspended upon any day or days due to the inclemency of the weather, conditions of roads, or the existence of other conditions, by the board of the school district operating the buses, when in their judgment it is deemed advisable and when the school or schools are closed to all children (285.1(8)).

Suspension does not mean that if one bus cannot run because of bad roads the school shall be closed. It does mean that if all buses do not run there shall be no school (OAG #57-9-30(L)).

A school board is allowed to suspend student transportation services only if the board determines that weather, road, or other conditions make running the buses unadvisable and the district schools are closed (OAG #93-1-8(L)).

The board shall include in its rules provisions regulating the loading and unloading of pupils from a school bus stopped on the highway during a period of reduced highway visibility caused by fog, snow or other weather conditions (279.8).

Restricted loading and unloading areas shall be established for school buses at, or near, schools (IAC 281--43.42).

At least twice during each year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices and participate in emergency evacuation drills (IAC 281--43.40).

Cities and counties shall have the power to establish school zones and provide for the stopping of all motor vehicles approaching the school zones, when movable stop signs have been placed in the streets in such cities and highways in counties at the limits of the zones, notwithstanding the provisions of any statute to the contrary. All traffic-control devices provided for school zones shall conform to specifications included in the manual of traffic-control devices adopted by the department of transportation, except the provision prohibiting the use of portable or part-time stop signs (321.249).

A city council may close a street during any portion of a school day as a safety measure for the protection of children, and the city is not liable for any damages, providing it erects a sufficient barrier to warn the public that the street is closed (OAG #30-12-5(L)).

### **Transportation Vehicles**

A vehicle which carries liquefied petroleum gas fuel or natural gas, as a fuel source for the vehicle, in a concealed area, including but not limited to trunks or compartments located in or under the vehicle, shall display on the left rear and right front bumpers of the vehicle a standard abbreviation or symbol, approved by the department of public safety, which indicates liquefied petroleum gas fuel or natural gas is a fuel source for the vehicle (101.11(1)).

Tax on motor fuel or undyed special fuel sold directly to and used for the following is subject to refund: a school district which is used for a public purpose, including fuel sold for the transportation of school pupils of approved public and nonpublic schools by a carrier who contracts with the public school under section 285.5 (452A.17(1)(a)(3)).

All publicly owned motor vehicles shall bear at least two labels in a conspicuous place, one on each side of the vehicle. This label shall be designed to cover not less than one square foot of surface (721.8).

A motor vehicle purchased or used under the direction of the board of directors to provide services to a school corporation shall not, on or after January 1, 1993, operate on gasoline other than gasoline blended with at least ten percent ethanol. The motor vehicle shall also be affixed with a brightly visible sticker which notifies the traveling public that the motor vehicle is being operated on gasoline blended with ethanol (279.34).

All diesel fuel sold for or used in vehicles designed for transporting persons or property on a street or highway must contain not more than 0.05 percent by weight of sulfur content. This mandate includes diesel fuels sold and used in school transportation vehicles (40 CFR 80, 86).

Every motor vehicle, trailer, and semitrailer when driven or moved upon a highway shall be subject to the vehicle registration provisions of chapter 321 except any school bus in this state used exclusively for the transportation of pupils to and from school or a school function or for the purposes provided in subsection 285.1(1) and subsection 285.10(9), or used exclusively for the transportation of children enrolled in a federal head start program. Upon application the department of transportation shall, without charge, issue a registration certificate and shall also issue registration plates which shall have imprinted thereon the words "Private School Bus" and a distinguishing number assigned to the applicant. Such plates shall be attached to the front and rear of each bus exempt from registration (321.18(7)).

Every school bus except private passenger vehicles used as school buses shall be constructed and equipped to meet safety standards prescribed in rules adopted by the state board of education. Such rules shall conform to safety standards set forth in federal laws and regulations and shall conform, insofar as practicable, to the minimum standards for school buses recommended by the national conference on school transportation administered by the national commission on safety education and published by the national education association (321.373(1)). Rules shall provide standards for structural strength, materials, and insulation of the school bus body; color; seat and aisle arrangement; dimension and construction of service door; control of the front door or doors; emergency door and its location and construction; windows; roof ventilators; heaters; location, filling, and draining of the fuel tank; bumpers and how they shall be attached to the bus; lettering and identification of the bus; stop signal arm; warning lights and flashing lights (231.373(2)). The rules shall include special rules for passenger automobiles, and other vehicles designed to carry eight or fewer pupils, when used as school buses (321.373(3)). These rules are found in IAC 281--44.

Every school bus shall be equipped with a comfortable seat for each child (321.373(4)).

A school bus may be equipped with a white flashing strobe light mounted on the roof of the bus to afford optimum visibility during periods of inclement weather. The light shall be installed and operated in accordance with rules. Each new school bus put into initial service after January 1, 1977, shall be equipped with such a light (321.373(7)).

No vehicle shall be put into service as a school bus until it is given an original inspection to determine if it meets all legal and established uniform standards of construction for the protection of the health and safety of children to be transported. Vehicles which are approved shall be issued a seal of approval by the director of the department of education. All vehicles used as school buses shall be given a safety inspection at least once a year. Buses passing the inspection shall be issued an inspection seal of approval by the director of the department of education. The seal of original inspection and the annual seal of inspection shall be affixed to the lower right hand corner of the windshield (321.374).

To facilitate the semiannual inspection program, school district officials shall send their buses to inspection centers as scheduled. A sufficient number of drivers or other school personnel shall be available at the inspection to operate the equipment for the inspectors (IAC 281--43.30). As a part of the semiannual inspection program school officials shall cause the chassis of all buses, whether publicly or privately owned, to be inspected and all necessary repairs made before the opening of the school term each fall (IAC 281--43.31).

A daily pretrip inspection of each school bus shall be performed and recorded. A written report shall be submitted promptly to the superintendent of schools, transportation supervisor, school bus mechanic, or other person charged with the responsibility for the school transportation program, if any defects or deficiencies are discovered that may affect the safety of the vehicle's operation or result in its mechanical breakdown (IAC 281--43.41).

No school board, individual, or organization shall purchase, construct, or contract for use, to transport pupils to or from school, any school use which does not comply with the minimum requirements of section 321.373 and any individual, or any member or officer of such board or organization who authorizes, the purchase, construction, or contract for any such bus not complying with these minimum requirements shall be guilty of a misdemeanor (321.379).

## **Contracts and Common Carriers**

All private individuals wishing to transport public school pupils to and from public school in privately owned vehicles must be under contract with the board of education. This will not apply to parents who transport their own children only. The contract form used shall be that provided by the department of education (IAC 281--43.3). The contract must provide for a uniform charge for all pupils transported. No differentiations may be made between pupils of different districts except as provided in Iowa Code section 285.1(12) (IAC 281--43.4). The contractor may not arrange with individual families for transportation. The contractor undertakes to transport only those families indicated by the board of education (IAC 281--43.5). Parents undertaking to transport other children in addition to their own are private contractors. These parents must be under contract, and must obtain a chauffeur's license and a school bus driver's permit (IAC 281--43.6). Any vehicle used, other than that used by parents to transport their own children only, is considered to be a school bus and must meet all requirements set up for the type of vehicle used (IAC 281.43.7).

Private buses other than common carriers not used exclusively in transportation of pupils while under contract to a school district shall meet all requirements for school-owned buses, as to construction and operation (285.5(8)).

The board of education shall carry insurance on all school-owned buses and see that insurance is carried by all contractors engaged in transporting pupils for the district in the coverages and limits as determined by the board of education (IAC 281--43.33).

The board of education and a contractor who undertakes to transport public and nonpublic pupils for the board, in privately owned vehicles, shall sign the official contract prescribed by the department of education (IAC 281--43.34).

The board of education and a private individual undertaking to transport public and nonpublic school pupils for the board in school district-owned vehicles shall sign the official contract prescribed by the state department of education (IAC 281--43.35).

Bus standards listed in IAC 281--43.43 are intended to apply to any vehicle operated by a common carrier when used exclusively for student transportation to and from school.